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SUBJECT: ENGAGEMENT WITH UNAMI ON HUMAN RIGHTS

Classified By: Deputy PolCouns Ellen Germain for reasons 1.4 (b) and (d)
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11. (SBU) SUMMARY: Embassy and MNF-I officials briefed Hania Mufti, head of the UNAMI Human Rights Office, on April 18 regarding issues discussed in UNAMI's recent Human Rights report. Topics of discussion centered on UNAMI's recommendations to MNF-I in the July-December 2007 report. Officials briefed Hania on the process of MNF-I investigations into allegations of violations of the law of war by MNF-I military personnel and offered her monthly updates on MNF-I cases. Task Force 134 discussed the legal review process for all MNF-I detainees and reaffirmed USG policy regarding access to USG detention facilities. Embassy Legal Advisers briefed Hania on steps taken to increase oversight and accountability of private security contractors. In a prior meeting, Hania discussed her concerns and recommendations with General Bergner and PolOff on March 30. Hania expressed her gratitude for these opportunities to discuss these issues raised in UNAMI's last report and her eagerness to continue engaging with the Embassy and MNF-I. END SUMMARY.

12. (C) In a March 30 meeting with General Bergner and PolOff, Hania Mufti, the head of the UNAMI Human Rights Office, complained about the strained relations and restricted communications between her office and MNF-I. Hania requested more access to MNF-I officials to discuss issues stemming from the July-December 2007 UNAMI Human Rights report. She also asked the USG to rethink its policy on access to MNF-I detention facilities, claiming it would be a beneficial public relations strategy to allow more people to inspect the facilities. (Note: USG policy is that MNF-I detention facilities are only open to investigation by delegations of the International Committee of the Red Cross (ICRC), pursuant to its mandate under the Geneva Conventions, and the Ministry of Human Rights, as the representative for the GOI. These delegations visit regularly, are provided private access to detainees, and provide candid evaluations of the facilities that are incorporated into operating procedures, wherever possible. End Note.) Efforts to increase communication between the USG and UNAMI Human Rights Office led to a comprehensive briefing for Hania on April 18 by Embassy and MNF-I officials. Hania expressed gratitude for the briefing and a desire to engage in more open, regular exchanges in the future, rather than limiting communications to quarterly reviews associated with the UNAMI Human Rights report.

MNF-I INVESTIGATIONS, LEGAL REVIEW, INSPECTIONS

13. (C) The UNAMI report recommended that MNF-I "investigate thoroughly, promptly, and impartially all credible allegations of unlawful killings by MNF military personnel, and take appropriate action against those found to have used excessive or indiscriminate force." MNF-I officials explained the investigation process to Hania, ensuring her that all allegations of Law of Armed Conflict violations by Coalition Forces are investigated although the findings may not be made public. They offered to give her a monthly briefing on MNF-I criminal cases, which she appreciated and

readily accepted. (Note: The same briefing is given to the Minister of Human Rights on a regular basis. End Note.) In receiving more detailed feedback, she admitted that examples of investigations that she had included in earlier drafts of the recent report were deleted during the clearance process in an effort to limit its length. Hania said that future reports will cite the examples in an annex. Hania also noted that the intent of this recommendation was not to criticize MNF-I, but to be a reminder of its mandate to continue to ensure such cases are appropriately handled.

¶4. (C) Hania emphasized her concern that MNF-I detainees do not have access to counsel and lack sufficient legal review processes. The report recommended "implementing basic due process guarantees enshrined in international human rights law." Task Force 134, which runs MNF-I detention facilities, comprehensively explained the legal review system, including the fast pace of review boards and the high rate of release. Hania acknowledged she did not know the full extent of the legal process and requested even more detailed information. She was pleased to hear about the high standards of legal review for MNF-I detainees and said she would reflect this in the upcoming report for January-March 2008.

¶5. (C) MNF-I officials briefly reiterated the policy of access to MNF-I detention facilities. Both sides stated their case and agreed to disagree. The USG policy is to allow only the ICRC and GOI private, unescorted access to detainees, consistent with the Geneva Conventions. Hania agreed that the Geneva Conventions specify such access must be provided to the ICRC, but noted that they do not prohibit granting the same access to other organizations. She

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speculated that MNF-I detention procedures would easily withstand greater independent scrutiny and that UNAMI access would benefit our mission by improving both the Iraqi public and the international community's perception towards USG detention practices in the wake of Abu Ghraib. She also made the case that refusing private, unescorted access to UNAMI undermines USG efforts to encourage the GOI to improve their detention handling procedures.

ACCOUNTABILITY OF PRIVATE SECURITY CONTRACTORS

¶6. (C) The report recommended that the USG "investigate all credible reports of deaths caused by privately hired contractors." The Legal Advisers briefed Hania on steps taken to increase oversight and accountability of private security contractors since the September 16, 2007 incident. Hania was very interested to hear about the new private security contractor measures, such as the Joint Incident Review Board, the placement of cameras in convoys, and the placement of a Diplomatic Security Agent in every Embassy security convoy. Officials also discussed the Memorandum of Understanding between the Departments of State and Defense on USG private security contractors, which was signed in December. She stated these are positive developments, which will be mentioned in the next report.

¶7. (C) COMMENT: The recent engagements with Hania Mufti on MNF-I and Embassy human rights issues have helped to signal our willingness to engage in more open, frequent dialogue with UNAMI on human rights issues. Continued discussions with Hania and her team will promote cooperation and help to mitigate negative UNAMI reporting. Post will update Hania on further developments or policy changes. The next UNAMI human rights report covering January-March 2008 will be sent to Geneva soon for final clearance.
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